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Docket No. ASP-14

*D. Gammie*  
*#2*  
*11.14.02*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Szu-Min Lin

Serial No. : 09/742315

Art Unit: 1743

Filed : December 21, 2000

Examiner: Latoya I. Cross

For : CONTAINER MONITORING SYSTEM

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to: Commissioner for Patents, Washington, D.C. 20231 on

November 4, 2002

(Date)

Andrew C. Farmer

Name of applicant, assignee, or Registered Representative

(Signature)

Commissioner for Patents  
Washington, D.C. 20231

RESPONSE

Dear Sir:

This paper is responsive to the Office Action mailed July 7, 2002; a Petition for Extension of Time is enclosed herewith. Presently, claims 1 to 24 are pending in the application. Each of the claims stands rejected over claims 1 to 20 of the Lin et al. U.S. Patent No. 6,193,931 on the grounds of obviousness-type double patenting. Each of the claims also stands rejected over Lin et al. under 35 U.S.C. § 102(e) or alternatively under 35

U.S.C. § 103(a). Applicant respectfully traverses the rejection and requests reconsideration and reexamination of the application.

The Examiner has rejected claims 1 to 24 over claims 1 to 20 of the Lin et al. '931 patent on the grounds of obviousness-type double patenting. Lin et al '931 and the present application are commonly owned and Applicant submits herewith a proper terminal disclaimer thereby overcoming this rejection.

The Examiner has rejected claims 1 to 24 over Lin et al. under 35 U.S.C. § 102(e). Applicant submits that the Lin et al. '931 reference is not prior art to the present application under the statute. The present application claims priority to the filing date of the '931 patent. To anticipate the '931 patent must teach each and every element of the claims of the present application, in which event the present claims would be accorded a filing date concurrent with that of the '931 patent. Accordingly, the '931 patent is not prior art to the present application.

The Examiner has further rejected claims 1 to 24 over Lin et al. '931 in the alternative under 35 U.S.C. § 103(a). As explained above, Applicant submits that Lin et al. '931 is not

prior art to the present application under 35 U.S.C. § 102 and thus cannot be prior art under § 103.

Applicant submits that the application is presently in condition for allowance and requests favorable review and early notice of allowance of the application.

Respectfully Submitted,



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November 4, 2002